

high school football player he spent countless hours in the weight room, and helped lead Elyria Catholic High School's football team to back-to-back Ohio State championships in the mid 1980s.

After graduating high school in 1987, Master Sergeant West joined the Army in 1988, eventually rising to become a tank commander and drill instructor. In this capacity, Master Sergeant West spent countless hours molding wide-eyed, inexperienced young men and women from around the country into strong, confident soldiers. It was this experience that gave him the confidence to return to Iraq to work with that country's growing police force.

In Iraq, Master Sergeant West was assigned to an armored cavalry division, where he conducted house-to-house searches looking for insurgents. During one of these patrols, an improvised explosive device was detonated near his Humvee, and he was killed.

Master Sergeant West's wife Jeannie and their daughter Shelby must know that Robert's service to this Nation, and his sacrifice on behalf of all of us, does not go unnoticed or unappreciated. Robert's service and sacrifice are a profound reminder that the liberty and freedoms we enjoy do not come without a sometimes very personal and terrible cost. As a country and community, we are all humbled by his commitment and offer our grateful support during his family's time of unimaginable grief.

DEATH OF JUDGE EDWARD R. BECKER

Mr. HATCH. Mr. President, the country, the judiciary, and the Senate have lost a patriot, a great man of character and integrity, a gifted judge, and a trusted friend with the passing last week of U.S. Circuit Judge Edward Becker.

Edward Roy Becker was born on May 4, 1933, in his beloved Philadelphia.

He practiced law there for more than a decade, until President Richard Nixon appointed him to the U.S. District Court for the Eastern District of Pennsylvania in 1970.

President Ronald Reagan elevated Judge Becker to the U.S. Court of Appeals for the Third Circuit in 1981. The Third Circuit considers appeals from Federal district courts in Delaware, New Jersey, Pennsylvania, and the Virgin Islands.

Judge Becker eventually served as the Third Circuit's chief judge for 5 years before taking senior status on his 70th birthday in 2003.

Edward Becker lived for nearly all of his 73 years in his boyhood home in the Frankford section of Philadelphia.

He read legal briefs while riding the train to the courthouse, where he was known for what the New York Times described as a lack of grandiosity rarely found in a Federal court.

With an uncanny ability to play virtually any song by ear on the piano,

Judge Becker accompanied Supreme Court Justices at their annual sing-alongs that the late Chief Justice William Rehnquist hosted for the law clerks.

When part of Independence National Historic Park, which he could see from his chambers window, was closed after the September 11 terrorist attacks, Judge Becker supported the efforts of a citizens' coalition which succeeded in getting the street reopened in 2003.

Judge Becker was not just any Federal judge.

After more than 35 years on the bench, he was certainly a senior member of the Federal judiciary.

But he served not only the cause of justice but also the institution of the judiciary in such capacities as the board of directors of the Federal Judicial Center and the executive committee of the Judicial Conference of the United States.

His many and varied writings covered topics ranging from the federal sentencing guidelines and rules of evidence to the sixth amendment's confrontation clause and even law journal footnotes.

Imagine that, an entire law journal article about law journal footnotes.

Judge Becker made his judicial mark in many ways. Judges write opinions that follow or apply principles established by the Supreme Court. Judge Becker did that as well but also wrote landmark opinions establishing rules or principles that would later be adopted by the Supreme Court.

His 1985 opinion in *United States v. Downing*, for example, adopted a standard regarding expert witness testimony.

The Supreme Court cited Judge Becker's opinion in *Downing* when it adopted the same standard 8 years later in its famous *Daubert v. Merrill Dow Pharmaceuticals* decision.

Judge Becker was also known for his knowledge and expertise in handling complex litigation.

He served on the board of editors for the "Manual for Complex Litigation" and handled many such cases during his years on the bench.

In 1996, for example, he wrote the opinion in *Georgine v. Amchem Products* concluding that the factual and legal issues in a lawsuit against asbestos manufacturers were too complex to allow certification of the suit as a class action.

Judge Becker's expertise in the area of complex litigation in general, and asbestos cases in particular, led to his role in our ongoing struggle here in the Senate with the asbestos crisis.

He provided invaluable counsel and assistance to the Judiciary Committee, and his enormous wisdom, credibility, and integrity helped guide many complex discussions and negotiations. Every party to those discussions knew that Judge Becker was a straight shooter, a completely honest broker.

Judge Becker could have considered his a strictly judicial role, limited to

handling the cases that came before him, but Judge Becker looked past the walls of his courtroom at the judiciary as an institution, the justice system, and the country. He wanted to see the grand principles of justice and fairness actually work in people's lives.

Judge Becker was not afraid to wade into other choppy waters in the interest of the judicial branch.

Joined by several leading appeals court judges including now-Associate Justice Stephen Breyer, Judge Becker sought in 1989 to make some sense out of what had become an almost absurd process for hiring judicial law clerks.

Judges were interviewing students barely finished with their first year of law school. Judge Becker believed that the trend disrupted the studies of law students and demeaned the judiciary's reputation. This was classic Judge Becker. He did not have to tackle such a touchy subject.

Previous efforts to change the law clerk hiring system had failed, and the problem was worse than ever. But he cared so much for the integrity of the judiciary, and for the individuals who served in it, that he tackled it nonetheless. And he did it with the straightforward, no-nonsense, commonsense practicality that characterized everything he did.

Judge Becker both loved and was beloved by his colleagues.

He organized a panel of current and former Third Circuit judges to testify on behalf of their colleague Judge Samuel Alito upon his recent nomination to the Supreme Court. That panel was diverse, opinionated, and completely united in support of their colleague.

Judge Becker and Flora, his wife of nearly 50 years, kept in close touch even with retired colleagues and with colleagues' spouses after they died.

In addition to Flora, Judge Becker is survived by his children—Jon, a teacher in Brooklyn; Susan, a Federal prosecutor in Philadelphia—and Charles, a lawyer in Philadelphia—and several grandchildren.

Our colleague, the senior Senator from Pennsylvania, was a close friend of Judge Becker for more than 50 years. He has said that Judge Becker was one of the greatest Philadelphians in that great city's history. That is high praise indeed, considering the pantheon of patriots coming from the birthplace of the Constitution.

Judge Becker embodied so much that is great about this country. He cared deeply about principles of fairness and justice. He wanted those principles actually to work. He was both part of a collegial judicial body and a unique individual with his own personality and character.

He would go to baseball games but take legal briefs with him to read.

His colleague, Judge Marjorie Rendell, once described Judge Becker as "the perfect combination of *Mensa* and *mensh*."

One of the historic preservationists who worked with Judge Becker to reopen the street in front of Independence Hall said of Judge Becker: "He was one step below the Supreme Court, but he's such an everyday man."

Proverbs 16:19 offers a maxim that fits Judge Becker to a tee: "Better it is to be of a humble spirit with the lowly, than to divide the spoil with the proud."

By his character, personality, and wisdom, Edward Roy Becker made anyone who knew him better for the experience.

The judiciary, the country, and yes, the Senate, are better because this good man walked and worked with us.

GLOBAL CLIMATE CHANGE

Mr. FEINGOLD. Mr. President, today the Senate Foreign Relations Committee took an important step on the issue of global climate change by passing a resolution, introduced by Chairman LUGAR and Ranking Member BIDEN, that expresses the need for the United States to address global warming through the negotiation of fair and effective international commitments. While it remains to be seen whether the full Senate will take up and pass the resolution, I am encouraged by the growing awareness in Congress of the need to face the facts on global climate change. Just last week, a report was released by a nonprofit group, Christian Aid, which suggests that climate change could lead to millions of deaths in Africa. In my role as chairman and ranking member of the Senate Foreign Relations Subcommittee on African Affairs, I have paid significant attention to the challenges faced by the continent of Africa, and as we look to the future, we must address the consequences our global energy habits will have on less developed nations, in addition to the consequences on our own constituents. I applaud the leadership of Chairman LUGAR and Ranking Member BIDEN on Senate Resolution 312 and I hope that the Senate will move quickly to adopt it.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 9, 2005, Dwan Prince, a gay man, was attacked by his neighbor Steven Pomie near his Brooklyn, NY, home. During the attack, Pomie shouted antigay slurs as he punched and kicked Prince in the head until he was unconscious. According to police,

Pomie knew that Prince was a gay man prior to the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1235. An act to amend title 38, United States Code, to extend the availability of \$400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 2349. An act to provide greater transparency in the legislative process.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

H.R. 4530. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

H.R. 5354. An act to authorize the Secretary of Education to extend the period during which a State educational agency or

local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes.

H.R. 5401. An act to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

The message also announced that the House disagree to the amendment of the Senate to the bill H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. REGULA, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. BONILLA, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mr. SABO, Mr. MOLLOHAN, Mr. OLVER, Mr. VISCLOSKEY, Mrs. LOWEY, and Mr. EDWARDS, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4530. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 5354. An act to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6911. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add Kazakhstan, Romania, Russia, Turkey, and Ukraine to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist" (APHIS-2006-0010) received on May 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6912. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Aviation Career Incentive Pay and